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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bill was introduced in Lok Sabha on 31st July, 2003:—

BILL No. 51 OF 2003

A Bill to constitute a National Statistical Commission and to provide for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the National Statistical Commission Act, 2003.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commence-
ment.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Chief Statistician of India" means the head of the National Statistical Organisation of the Central Government;

(b) "Commission" means the National Statistical Commission constituted under section 3;

(c) "core statistics" means such statistics as is notified, from time to time, by the Central Government;

(d) "Member" means a Member of the Commission and includes the Chairperson;

(e) "notification" means a notification published in the Official Gazette;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "social scientist" means a person of eminence in an academic discipline involving application of scientific methods and significant use of quantitative techniques to contemporary development related issues; and

(h) "statistical agencies" means functional units, divisions, establishments or organisations involved in collection, tabulation and analysis of data relating to any subject area or application of statistical principles or procedures in any field.

CHAPTER II

NATIONAL STATISTICAL COMMISSION

Constitution
of National
Statistical
Commission.

3. (1) The Central Government shall, within three months from the date of commencement of this Act, by notification, constitute a body to be known as the National Statistical Commission to exercise the powers conferred upon it, and to perform the functions assigned to it, under this Act.

(2) The Commission shall consist of—

(a) a part-time Chairperson who is, or has been, an eminent statistician or social scientist to be nominated by the Central Government;

(b) four part-time Members, one each from the following fields, to be nominated by the Central Government, from amongst the persons having specialisation of and experience in—

(i) economic statistics in such areas as agriculture, industry, infrastructure, trade or finance,

(ii) social and environmental statistics in such areas as population, health, education, labour and employment or environment,

(iii) statistical operations in such areas as censuses, surveys, statistical information system or information technology, and

(iv) national accounts, statistical modelling or State statistical systems; and

(c) the Secretary, Planning Commission, *ex officio* Member.

(3) The Chief Statistician of India shall be *ex officio* Member-Secretary of the Commission.

(4) The headquarters of the Commission shall be at such place as may be notified by the Central Government.

Recommen-
dation of
Search
Committee
for nomi-
nation of
Chairperson
and Members.

4. (1) The Central Government shall constitute a Search Committee to assist it in selection of the Chairperson and Members of the Commission.

(2) The Search Committee shall consist of—

(a) Deputy Chairman of the Planning Commission—Chairperson;

(b) Member of the Planning Commission in-charge of Statistics—Member;

(c) Governor of the Reserve Bank of India—Member;

(d) two eminent persons who may be distinguished statisticians or social scientists with an intimate knowledge of the statistical system of the country—Members.

(3) The Search Committee shall recommend names of three persons to the Central Government under clause (a) of sub-section (2) of section 3 and the Central Government shall nominate one of them as Chairperson of the Commission.

(4) The Search Committee shall recommend to the Central Government the names of two persons each, eligible to be appointed as Members, under sub-clauses (i) to (iv) of clause (b) of sub-section (2) of section 3 and the Central Government shall nominate one Member from each of the categories as Members of the Commission.

(5) In the event of non-acceptance of all or any of the recommendations of the Search Committee by the Central Government, the said Government shall report the fact to the Parliament along with the reasons of non-acceptance.

(6) Where all or any of the recommendations of the Search Committee are not accepted by the Central Government under sub-section (5), the Search Committee shall in such a case recommend new names after a fresh search.

5. (1) A Member shall hold office for a term of three years.

Term of office
and conditions
of service of
Members.

(2) The fee, honorarium, allowances and other conditions of service of Members shall be such as may be prescribed:

Provided that the fee, honorarium, allowances and other conditions of service of the Members shall not be varied to their disadvantage after they are appointed.

(3) A Member may, by writing under his hand addressed to the Central Government, resign his office at any time.

(4) Any vacancy caused either by resignation under this section or by removal under section 6 or otherwise shall be filled by fresh nomination in the manner provided in sections 3 and 4.

6. (1) Subject to provisions of sub-section (3), a Member of the Commission shall only be removed from his office by order of the President on the ground of proved misbehaviour or incapacity after the Supreme Court, on a reference being made to it by the President, has, on an inquiry, held in accordance with the procedure prescribed in that behalf by the Supreme Court, reported that the Member ought on any such ground to be removed.

Removal of
Members.

(2) The President may suspend a Member in respect of whom a reference has been made to the Supreme Court under sub-section (1) until the President has passed orders on receipt of the report of the Supreme Court on such reference.

(3) Notwithstanding anything contained in sub-section (1), the President may, by order, remove from office a Member, if he—

(a) has been adjudged an insolvent; or

(b) has been convicted of an offence which in the opinion of the President involves moral turpitude; or

(c) has become physically or mentally incapable of acting as a Member and stands so declared by a competent court; or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as Member; or

(e) has so abused his position as to render continuance in office detrimental to the public interest:

Provided that no Member shall be removed until he has been given a reasonable opportunity of being heard in the matter.

Officers and other employees of Commission.

7. (1) The Central Government shall provide the Commission with such officers and employees as may be necessary for the efficient performance of the function of the Commission under this Act.

(2) The salaries and allowances payable to, and other terms and conditions of service of, the officers and other employees appointed for the purpose of the Commission shall be such as may be prescribed.

Expenses of Commission to be paid out of grants.

8. The fee, honorarium and allowances payable to the Members and the administrative expenses, including salaries, allowances and pension payable to the officers and other employees shall be paid out of the grants referred to in sub-section (1) of section 12.

Vacancies, etc., not to invalidate proceedings of Commission.

9. No act or proceeding of the Commission shall be questioned or be invalidated on the ground merely of the existence of any vacancy or defect in the constitution of the Commission.

Procedure to be regulated by Commission.

10. (1) The Commission shall meet as and when necessary and in any case not less than twice in each financial year.

(2) The Commission shall have the power to regulate its own procedure.

(3) All orders and decisions of the Commission shall be authenticated by the Member-Secretary and in the absence of the Member-Secretary by any other officer of the Commission duly authorised by the Member-Secretary in this behalf.

CHAPTER III

FUNCTIONS AND POWERS OF THE COMMISSION

Functions and powers of Commission.

11. (1) The Commission shall perform all or any of the following functions, namely:—

(a) to identify the areas of core statistics, which are of national importance and are critical to the development of the economy;

(b) to constitute professional committees or working groups to assist the Commission on various technical issues;

(c) to evolve national policies and priorities relating to the statistical system;

(d) to evolve standard statistical concepts, definitions, classifications and methodologies in different areas in statistics and lay down national quality standards on core statistics;

(e) to evolve national strategies for the collection, tabulation and dissemination of core statistics, including the release calendar for various data sets;

(f) to evolve national strategies for human resource development on official statistics including information technology and communication needs of the statistical system;

(g) to evolve measures for improving public trust in official statistics;

(h) to evolve measures for effective co-ordination with State Governments and Union territory Administrations on statistical activities including strengthening of existing institutional mechanisms;

(i) to exercise statistical co-ordination between Ministries, Departments and other agencies of the Central Government through the Chief Statistician of India and statistical agencies of that Government;

(j) to exercise statistical audit over the statistical activities to ensure quality and integrity of the statistical products;

(k) to recommend to the Central Government or any State Government, as the case may be, to effectively implement the standards, strategies and other measures evolved under clauses (c) to (h) of this section;

(l) to advise the Central Government on the requirement of further legislative measures on statistical matters; and

(m) to monitor and review the functioning of the statistical system with the assistance of the Chief Statistician of India in the light of the laid down policies, standards and methodologies and to recommend measures for enhanced performance.

(2) Where any recommendation referred to in sub-section (1) or any part thereof concerns any State Government, the Commission shall forward a copy of such recommendation or part thereof to such State Government which shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any such recommendation.

5 of 1908.

(3) The Commission shall, while performing its functions referred to in sub-section (1), have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908, and in particular in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath on matters connected with core statistics;

(b) requiring discovery and production of any document which, in the opinion of the Commission, is useful for discharging its functions under this Act;

(c) requiring statistical agencies and institutions to provide details of statistical activities including concepts and definitions used, methodologies followed, quality standards adopted, sampling and non-sampling errors in respect of core statistics;

(d) issuing commission for the examination of witnesses and documents on any matter connected with core statistics; and

(e) any other matter which may be prescribed.

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT

12. (1) The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Commission grants of such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.

Grants by
Central
Government.

(2) The Central Government may seek and take into account the views of the Commission in matters relating to the staff and budget of the Commission.

(3) The Commission may spend such sums as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

13. (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

Accounts and
audit.

(2) The accounts of the Commission shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the audit of the accounts of the Commission shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-

General of India generally has, in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

(4) The accounts of the Commission, as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government by the Commission and the Central Government shall cause the same to be laid before each House of Parliament.

Annual report.

14. The Commission shall prepare, in such form and at such time, for each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forward the same to the Central Government.

Annual report and audit report to be laid before Parliament.

15. The Central Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein, in so far as they relate to the Central Government, and the reasons for the non-acceptance, if any, of any of such recommendations, and the audit report to be laid, as soon as may be after the reports are received, before each House of Parliament.

CHAPTER V

MISCELLANEOUS

Members, officers and employees of Commission to be public servants.

16. All Members, officers and other employees of the Commission shall be deemed, while acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Power to make rules.

17. (1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the fee, honorarium, allowances payable to, and other terms and conditions of service of, the Chairperson and Members under sub-section (2) of section 5;

(b) the salaries and allowances payable to, and other terms and conditions of service of, the officers and other employees under sub-section (2) of section 7;

(c) any other power of a civil court required to be prescribed under clause (e) of sub-section (3) of section 11;

(d) the form in which the annual statement of accounts shall be maintained under sub-section (1) of section 13;

(e) the form in, and the time at which the annual report shall be prepared under section 14; and

(f) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

18. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as may appear to it to be necessary for removing the difficulty:

Power to
remove
difficulties.

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

STATEMENT OF OBJECTS AND REASONS

The statistical system of the country should be capable of providing independent, impartial and reliable quantitative information to the Government, researchers, business community and the general public on social, economic, financial and environmental aspects, as such a system is considered essential for proper understanding of national efforts and for the formulation of development policies and programmes. In order to meet these goals and to inspire public trust, the official statistical agencies need to determine the methods and procedures for collection, processing, storage and presentation of statistical data strictly according to professional considerations, as well as scientific principles and professional ethics. The National Statistical Commission set up by the Government in January, 2000 to review the statistical system of the country recommended that a permanent statutory body be constituted in respect of policy-making, co-ordination and certification of quality of core statistics. Accordingly, the Government has decided to set up such body.

2. The proposed National Statistical Commission will have a Chairperson and four Members on a part-time basis. The Secretary of the Planning Commission shall be its *ex officio* Member and the Chief Statistician of India shall be its *ex officio* Member-Secretary.

3. The functions and powers of the proposed Commission, *inter alia*, would be as under:—

- (i) to identify areas of core statistics;
- (ii) to evolve national policies and priorities relating to the statistical system;
- (iii) to evolve national strategies for the collection, tabulation and dissemination of core statistics as well as for human resource development of official statistics;
- (iv) to evolve measures for improving public trust in official statistics and to exercise statistical co-ordination;
- (v) to formulate standard statistical concepts, definitions, classifications and methodologies in different areas of statistics and to lay down national quality standards on core statistics;
- (vi) to organise statistical audit to ensure quality and integrity of the statistical products of official statistics;
- (vii) to monitor and review the functioning of the statistical system; and
- (viii) to advise the Central Government on further legislative measures on statistical matters.

4. The Bill seeks to achieve the above objects.

NEW DELHI;
The 22nd June, 2003.

S.B. MOOKHERJEE.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of the National Statistical Commission (NSC), which shall consist of a part-time Chairperson, four part-time Members, an *ex officio* Member and an *ex officio* Member-Secretary. Sub-clause (2) of clause 5 provide for the fee, honorarium and allowances payable to the Chairperson and Members of the Commission. Clause 7 provides that the Central Government shall provide the Commission with such officers and employees as may be necessary for the efficient functioning of the Commission. Clause 8 provides that the fee, honorarium and allowances payable to the Members and the administrative expenses, including salaries, allowances and pension payable to the officers and other employees shall be paid out of the grants made available to the Commission by the Central Government. The salaries and allowances of the officers and other employees of the National Statistical Commission shall be prescribed by rules. These provisions in the Bill shall have financial implications, once it is enacted.

2. Clause 11 provides that the Commission shall constitute professional committees or working groups to assist it on various technical issues. These functions of the Commission shall also have financial implications.

3. Expenditure shall also be incurred on rent for hired accommodation; acquisition of furniture and fittings; office equipment like computers, printers, almirahs, filing cabinets, etc.

4. The annual expenditure of the Commission on all the above is estimated to be one crore rupees per year.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (2) of clause 5 of the Bill seeks to empower the Central Government to make rules providing for the fee, honorarium, allowances and other conditions of service of Members of the Commission. Sub-clause (2) of clause 7 of the Bill seeks to empower the Central Government to make rules providing for the salaries, allowances and other terms and conditions of service of the officers and other employees appointed for the purpose of the Commission. Item (e) of sub-clause (3) of clause 11 of the Bill seeks to empower the Central Government to make rules to vest powers in the Commission of a civil court trying a suit under the Code of Civil Procedure, 1908 for performing its functions under the Bill. Sub-clause (1) of clause 13 of the Bill seeks to empower the Central Government to make rules to prescribe the form in which the Commission shall maintain the annual statement of accounts. Clause 14 of the Bill empowers the Central Government to make rules for prescribing the form in and the time at which the annual report shall be forwarded by the Commission to that Government. Clause 17 of the Bill seeks to empower the Central Government to make rules for carrying out the provisions of the Bill. These provisions deal with matters of detail and procedure necessary for effective administration of the provisions of the Bill and it is difficult to provide for all the situations in the Bill itself. Therefore, the delegation of legislative power under these provisions is of a normal character.

G. C. MALHOTRA,
Secretary General.